

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

PATRICK JAMES WERNER,

Plaintiff,

v.

Case No. 15-cv-104-pp

DEBBIE LARRABEE,

Defendant.

**ORDER GRANTING DEFENDANT’S MOTION TO STAY DISCOVERY
(DKT. NO. 23)**

On April 1, 2016, the defendant filed a motion to dismiss the plaintiff’s case based on the Seventh Circuit’s decision in Belleau v. Wall, 811 F.3d 929 (7th Cir. 2016). The defendant also asked the court to stay discovery pending briefing and resolution of her motion to dismiss.

Courts have considerable discretion in managing the timing of discovery. Clinton v. Jones, 520 U.S. 681, 706-07 (1997) (“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”). Courts have long exercised that discretion to stay discovery after a timely-filed motion to dismiss. In re Sulfuric Acid Antitrust Litig., 231 F.R.D. 331, 336 (N.D. Ill. 2005). The mere filing of the motion does not automatically stay discovery, and courts do not automatically grant a stay simply because a defendant asks for one, but “such stays are granted with substantial frequency.” Id. (citations omitted).

A pleading that fails to state a claim under Federal Rule of Civil Procedure 8 “does not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions.” Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009). If, after full briefing, the court grants the defendant’s motion to dismiss and thus does not allow the plaintiff to proceed with the case, the defendant’s time and cost in conducting discovery will have been for nothing. It makes little sense to require the parties to conduct discovery until the court decides whether to allow the case to proceed.

The court **GRANTS** the defendant’s motion to stay discovery, and **ORDERS** that all discovery deadlines are **STAYED** until such time as the court decides the defendant’s motion to dismiss. Dkt. No. 23.

Dated in Milwaukee, Wisconsin this 12th day of April, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge